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8 IN THE UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 RAYMOND BERRY,

11 Plaintiff,

12 vs.

13 TIMBERLINE MOULDING, et al. and DOES  
14 1 THROUGH 10, Inclusive,

15 Defendants.  
16  
17

Case No.: 08 CV 0352 BEN  
(CAB)

**DECLARATION OF NARADIN  
MOHAMED IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
MOTION TO DISMISS**

Date: June 2, 2008  
Time: 10:30 a.m.  
Judge: The Honorable Roger  
T. Benitez

18 I, NARADIN MOHAMED, declare:

19 1. I am not a party in this action. I have personal  
20 knowledge of the following facts and, if called as a witness,  
21 could and would testify truthfully to the following:

22 2. Attached hereto as Exhibits "1", "2", "3" and "4" are  
23 true and correct copies of photographs which I took of the  
24 parking lot, parking lot entrance, entrance to the facility and  
25 the restroom at Timberline Moulding, located at 1315 Armorlite  
26 Drive in San Marcos, CA ("the property") on November 30, 2007.  
27 These Exhibits accurately depict the conditions which I observed  
28 during my visit to the property.



1       3. I am familiar with the Americans with Disabilities Act  
2 Accessibility Guidelines and Title 24 of the California Code of  
3 Regulations which relate to accessibility for people with  
4 disabilities. I know how to use a tape measure. I have  
5 performed many accessibility inspections and am familiar with  
6 design and construction requirements relating to accessibility.

7       4. At the time of my visit to Timberline Moulding, on  
8 November 30, 2007, there was no accessible parking space at the  
9 property. The absence of an accessible parking space is depicted  
10 in the photos in Exhibit "1". I reviewed Exhibits "H" and "I" to  
11 Defendants' Motion to Dismiss, as well the Declaration of Susan  
12 Wait. Neither of the delineated parking spaces depicted in those  
13 photos existed at the property when I visited on November 30,  
14 2007. Further, Exhibits "H" and "I" do not depict any sign which  
15 warns that vehicles parked in the accessible space without  
16 placards or license plates issued for people with disabilities  
17 may be towed at the owner's expense. None of Defendants'  
18 photographs depict the entrance to the parking lot.

19       5. Exhibit "4" depicts the sole entrance to the parking  
20 lot at the property as it existed during my visit of November 30,  
21 2007. As shown in Exhibits "1" and "4", there are no signs at  
22 the entrance to the parking lot or in the parking area adjacent  
23 to the front entrance which warns that vehicles parked in the  
24 accessible space without placards or license plates issued for  
25 people with disabilities may be towed at the owner's expense.

26       6. The photos in Exhibit "2" and "3" were taken by me  
27 during my visit of November 30, 2007 and they accurately depict  
28 the conditions of the restroom at Timberline Moulding during my



1 visit. As can be seen in Exhibit "2", there was no rear grab  
2 bar. The side grab bar was not located 33 inches on center from  
3 the finished floor. The toilet flushing mechanism was not on the  
4 open side of the toilet. The top of the toilet seat was only  
5 about 15 inches from the finished floor. The lavatory had no  
6 knee clearance. The lavatory faucet handles required tight  
7 grasping or twisting to operate. The bottom edge of the mirror  
8 was more than 40 inches from the finished floor. The toilet seat  
9 cover dispenser was located behind the toilet and more than 40  
10 inches from the finished floor. There was no signage on the door  
11 indicating the accessibility of the restroom.

12 7. Exhibit "3" shows that, during my visit, the restroom  
13 doorknob was round and required tight grasping and twisting to  
14 operate, as did the locking mechanism for the door. The distance  
15 from the side of the toilet to the far wall was only about 10  
16 inches because of the location of the lavatory. The distance  
17 from the front edge of the toilet to the front wall was only 32  
18 inches.

19 8. I reviewed Defendants' photographs of the restroom,  
20 Exhibits "C", "D", "E", "F" and "G". The conditions of the  
21 restroom depicted in those photographs did not exist at the time  
22 of my November 30, 2007 visit, except that the side grab bar  
23 depicted in Exhibits "C" and "F" appears to be similar to the  
24 side grab bar which I observed. Also, the toilet base in Exhibit  
25 "C" appears to be similar to the base of the toilet which I  
26 observed.

27 I also observed the Defendants' photographs "A" and  
28 "B". I went into the office during my visit to Timberline



1 Moulding and observed the conditions of the customer area, but I  
2 did not take any photographs of office or customer area. During  
3 my visit of November 30, 2007, however, the pull-out counter and  
4 the sign offering assistance to people with disabilities, as  
5 depicted in Exhibit "A", were not in the Timberline Moulding  
6 office. The lower counter and the universal accessibility  
7 symbol, depicted in Exhibit "B" were not in the Timberline  
8 Moulding office during my November 30, 2007 visit.

9 I declare under penalty of perjury under the laws of the  
10 State of California and the United States of America that the  
11 foregoing is true and correct.

12 Executed this 16 day of May, 2008 at San Diego,  
13 California.

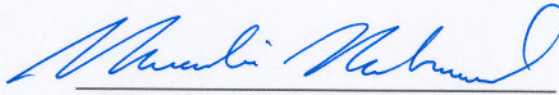
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15 NARADIN MOHAMED  
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EXHIBIT "1"





EXHIBIT "2"  
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EXHIBIT "3"  
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Exhibit "4"  
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